

OKADA et al. -- 09/973,929
Attorney Docket: 007324-0283788

REMARKS

Claims 1 and 4-16 are pending. By this Amendment, the specification is amended; claims 2, 3 and 17-28 are canceled without prejudice or disclaimer; and claims 1 and 6 are amended. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Claims 6 and 27 were rejected under 35 U.S.C. §112, second paragraph. Claims 27 has been canceled without prejudice or disclaimer, thus rendering moot the rejection. Claim 6 has been amended to more clearly define the invention. The changes to claim 6 are supported, for example, on page 24, lines 5-25. No new matter is entered.

Reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. §112, second paragraph are respectfully requested.

Claims 1-3, 5, 6, 8-24, 26 and 27 were rejected under 35 U.S.C. §103(a) over Kang et al. (U.S. Patent 5,230,220) in view of Maruda et al. (U.S. Patent 5,078,971). The rejection is respectfully traversed.

Claim 1 recites a refrigerator in which a deodorizer is provided in a cold air circulation path for deodorizing an atmosphere in the refrigerator. The refrigerator comprises a heat exchanger having a cold air inlet. The deodorizer comprises discharging means having a plurality of wire-shaped discharge electrodes disposed across the cold air circulation path and a flat counter electrode. The discharging means produce ozone and ultraviolet rays by means of high-voltage discharge. A photocatalyst module is provided between the discharged electrode and the counter electrode for decomposing an odor component and injurious matter contained in the atmosphere by means of photocatalyst. An ozone decomposing means for decomposing the ozone produced by the discharging means is disposed at a downstream side of at least the discharging means and the photocatalyst module with respect to a direction in which the cold air flows and further in the cold air inlet of the heat exchanger.

MPEP §2143 states: "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claimed limitations."

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It is respectfully submitted that the combination of Kang et al. and Matuda et al. fails to present a *prima facie* case of obviousness because the combination does not include all the claim limitations and because there is no motivation or suggestion to combine the references.

There is no disclosure or suggestion by either Kang et al. or Matuda et al. of a discharging means having a plurality of wire shape discharge electrodes disposed across a cold air circulation path and a flat counter electrode. The combination of Kang et al. and Matuda et al. also fails to disclose or suggest a photocatalyst module provided between the discharge electrodes and the counter electrodes for decomposing and odor component and injurious matter contained in the atmosphere by means of photocatalyst. There is also no disclosure or suggestion by either Kang et al. or Matuda et al. of ozone decomposing means for decomposing the ozone produced by the discharging means, the ozone decomposing means being disposed at a downstream side of at least discharging means and the photocatalyst module with respect to a direction in which the cold air flows and further in the cold air inlet of the heat exchanger. The residual ozone removing section 30 of Kang et al. is not disclosed as being in the cold air inlet of the heat exchanger of a refrigerator.

As the combination of Kang et al. and Matuda et al. fails to disclose all the limitations of claim 1, the combination fails to present a *prima facie* case of obviousness.

It is also respectfully submitted that there is no disclosure or suggestion, absent Applicants, to combine the sterilizing/deodorizing section 20 including the discharge lamp 21 of Kang et al. with the deodorizer device 12 including the absorption unit 3 of Matuda et al. As there is no suggestion or motivation in the references or in the knowledge generally available to one of ordinary skill in the art to combine Kang et al. and Matuda et al., the combination fails to present a *prima facie* case of obviousness.

Claims 5, 6, 8 and 10-16 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) over Kang et al. in view of Matuda et al. are respectfully requested.

Claims 4 and 25 were rejected under 35 U.S.C. §103(a) over Kang et al. in view of Matuda et al. and further in view of Miyakami et al. (U.S. Patent 4,904,289) and claims 7 and 28 were rejected under 35 U.S.C. §103(a) over Kang et al. in view of Matuda et al. and further in view of Kawashima et al. (U.S. Patent 4,955,208). The rejections are respectfully traversed.

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Claims 25 and 28 have been canceled without prejudice and disclaimer, thus rendering moot their rejections. Claims 4 and 7 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein. It is also respectfully submitted that Miyakami et al. and Kawashima et al. both fail to cure the deficiencies of the combination of Kang et al. and Matuda et al. discussed above with respect to claim 1. Accordingly, even assuming it would have been obvious to combine references, the combination would not include all the limitations of base claim 1 and would not present a *prima facie* case of obviousness against claims 4 and 7.

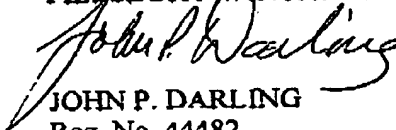
Reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) over Kang et al., Matuda et al., Miyakami et al., and Kawashima et al. are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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